(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 600 OF 2003

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri V. A. Lawande, advocate for the petitioner.

Shri J. Vaz, Addl. Central Govt. Standing Counsel for respondent no.3.

CORAM : S. A. BODBE &
N. A. BRITTO, JJ.

DATE : 14th June 2004

P.C.:

By this petition the petitioner challenges his transfer from one place to another within the jurisdiction of the same Garrison. Admittedly, the distance between the place from which he is being transferred to the place to which he is being transferred is about 25 kms. The petitioner has worked in the present place of posting for a period of about 15 years.

2. The learned counsel for the petitioner relied on a policy statement where it is laid down that

when industrial personnel are being transferred due to exigencies of service, the longest stayed will posted out. According to the learned counsel for the petitioner, there are others such as respondent no.7, who have been there longer than the petitioner and, therefore, ought to have been transferred first. It is not possible to accept this contention in view of the fact that it is not shown that the policy is mandatory and divests the authorities of the discretion to post junior people out of the area under any circumstances. Admittedly, there is no dispute about the fact that transfer is a condition of service and an exigency.

3. The next contention on behalf of the petitioner is that the transfer is mala fide, i.e. due to the fact that the petitioner opposed the policy of employing of a contractor instead of getting the

work done by him, mainly. There is no material in support of mala fides.

3. Having regard to the settled position of law that transfer is a condition of service and can be resorted to on administrative grounds, which is the ground stated in the impugned transfer Order dated 10th November, 2003, we see no merit in this petition which is hereby dismissed.

S. A. BOBDE, J.

N. A. BRITTO, J.

mc.